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 IAP7 Rec'd PCT/PTO

U.S. DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE

B/O Form PTO-1390

Transmittal Letter to the United States
 Designated/Elected Office (DO/EO/US)
 Concerning a Filing Under 35 USC 371

Attorney's Docket Number

LOPA3008 /FID

U.S. Application Number (if known)

10/563964

Priority Date Claimed

11 July 2003

International Application Number

PCT/EP2004/007462

International Filing Date

08 July 2004

Title of Invention

Field device for determining and/or monitoring a process variable

Applicant(s) for DO/EO/US

SErgej Lopatin and Helmut Pfeiffer

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items under 35 USC 371:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 USC 371.
 2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
 3. ☒ This express request to begin national examination procedures (35 USC 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 USC 371(b) and PCT Articles 22 and 39(1).
 4. ☒ The U.S. has been elected (Article 31).
 5. ☒ A copy of the International Application as filed 35 USC 371(c)(2).
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
 6. ☒ A translation of the International Application into English (35 USC 371(c)(2)).
 7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 USC 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
 8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 USC 371(c)(3)).

(☐ Executed ☐ Unexecuted)
 9. ☐ An oath or declaration of the inventor(s) (35 USC 371(c)(4)).
 10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 USC 371(c)(5)).
- Items 11 to 16 below concern other document(s) or information included:**
11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
 12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
 13. ☒ A preliminary amendment.
 14. ☒ An Application Data Sheet under 37 CFR 1.76.
 15. ☐ A substitute specification.
 16. ☐ A change of power of attorney and/or address letter.
 17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and U.S.C. 1.821 - 1.825.
 18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
 19. ☒ Priority is claimed for German application no. 103 31 730.9 with a filing date of July 11, 2003.
 20. ☒ Other items or information: a copy of WO 2005/008190 A1

Application Number (if Known) 10/563964		International Application Number PCT/EP2004/007462		Attorney's Docket Number LOPA3008/FJD	
				Calculations	PTO USE ONLY
21. The following fees are submitted:					
a) Basic national fee \$300.00					
b) Examination fee \$200.00					
c) Search Fee \$500.00					
TOTAL OF ABOVE CALCULATIONS = \$1,000.00				\$1,000.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fractions thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fractions thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).					
CLAIMS	NUMBER	NUMBER EXTRA	RATE		
Total Claims	14 -20 =		x \$50.00		
Independent Claims	1 -3 =		x \$200.00		
Multiple Dependent Claims (if applicable)			+ \$360.00		
TOTAL OF ABOVE CALCULATIONS					
<input type="checkbox"/> Reduction by 1/2 for filing by small entity, if applicable. Small Entity Status is asserted pursuant to 37 CFR 1.27 for this application.					
SUBTOTAL					
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).					
TOTAL NATIONAL FEE				\$	1,000.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.					
TOTAL FEES ENCLOSED				\$	1,000.00
Amount to be:				Refunded:	
				Charged:	

- a. ☒ A check in the amount of \$ 1000 to cover the fees is enclosed.
- b. ☐ Please charge my Deposit Account Number 02-0200 in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account Number 02-0200. A duplicate copy of this sheet is enclosed.

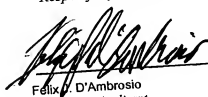
Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

23364

Customer Number
Phone: (703) 683-0500

DATE: January 10, 2006

Respectfully submitted,



Felix J. D'Ambrosio
Attorney for Applicant
Registration Number: 25,721